HONOURABLE SRI JUSTICE B.PRAKASH RAO

And

HONOURABLE SRI JUSTICE D.APPARAO

MONDAY, THE SIXTH DAY OF FEBRUARY TWO THOUSAND SIX

WRIT APPEAL No.133 of 2006

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Between:

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S.Venkataramini .. Appellant/Petitioner

Vs.

1. Bharat Sanchar Nigam Limited, rep. by
the Chairman and Managing Director,
Statesman House, B 148, Barakhamba Road,
Connaught Place, New Delhi-110 001. and three others.
.. Respondents.

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JUDGMENT (Per Hon'ble BPR,J):

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Heard both the sides and at their request the main appeal is taken up for disposal.

2. The unsuccessful petitioner is the appellant herein, who seeks to assail the orders dated 24-01-2006 in W.P.No.674 of 2006 which was filed *inter alia* assailing the order of transfer vide letter No.TA/STA/70/3/XXVI/KW/69, dated 06-01-2006, issued by the 4th respondent-Chief General Manager, Telecom,

A.P.,

3. The main grievance of the petitioner is that having regard to the policy decision taken by the respondents through the letter dated 25-11-2005, his services need not be disturbed since he is retiring by 31-03-2010.

4. The learned Standing Counsel appearing on behalf of respondents submits that the said policy decision has no application to the case of the petitioner-appellant. The relevant decision taken by the respondents is only one and that is dated 21-12-2004 and the petitioner would fall squarely well within the points mentioned thereunder.

5. Having heard the counsel on either side and on perusal of the entire record, it is clear that the learned single Judge did not accept the submissions made on behalf of the petitioner. However, having regard to the policy decision as enunciated by the respondents, it is for the respondents themselves to consider the petitioner's case in a more proper and right perspective rather than keeping the representation pending and asking the petitioner to join in a place of vacancy relatively in a far off distance. In view of the same, it would be suffice in the interest of justice to continue the appellant-petitioner at the present place till the disposal of the representation.

6. Accordingly, the appeal is partly allowed, directing the respondents to consider the said representation of the petitioner-appellant dated 17-12-2005 and pass appropriate orders within a period of one month from the date of receipt of a copy of this order, and till then, the petitioner-appellant need not be disturbed from the present place of posting and shall continue in the same place.

7. Accordingly, the order of the learned single Judge stands modified to the extent as indicated above.

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(B.PRAKASHRAO,J)

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(D.APPARAO, J)

February 6, 2006.

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